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C O N F I D E N T I A L SECTION 01 OF 03 TEGUCIGALPA 001050

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TAGS: [PGOV](#) [PINR](#) [KDEM](#) [HO](#)

SUBJECT: TFH01: POLITICAL AND HUMAN RIGHTS WRAP-UP

REF: A. TEGUCIGALPA 1013

[1](#)B. TEGUCIGALPA 989

[1](#)C. TEGUCIGALPA 983

[1](#)D. TEGUCIGALPA 963

[1](#)E. TEGUCIGALPA 958

[1](#)F. TEGUCIGALPA 944

Classified By: Ambassador Hugo Llorens, reasons 1.4 (b) and (d)

[1](#)1. (SBU) Allegations continue of human rights violations following the September 26 decree that severely limited civil liberties and remains in effect, despite an announcement by the de facto regime on October 5 that it would be abrogated. The pro-Zelaya radio and television stations closed under the decree continue to be off the air and a petition by the Special Prosecutor for Human Rights to the national telecommunications commission (CONATEL) requesting that they be allowed to resume operations remains unanswered. Post reported on September 24 that the death of Elvin Jacobo Perdomo Euceda on September 22 was related to a robbery. However, Post has since confirmed that his death was related to the political crisis because his shooting by police was the result of Perdomo being outside during curfew. The cause of death of Wendy Avila on September 26 and indigenous leader Mateo Antonio Leiva on October 2 continue to be unclear. Twelve members of the Lenca indigenous community took refuge in the Guatemalan Embassy in Tegucigalpa on October 6 alleging they received threats from the de facto regime. The group's request for political asylum is pending. A representative of the Miskito indigenous group expressed to Emboff support for President Zelaya because the group views his policies as friendly to indigenous groups. End Summary.

FIFTH DEATH RELATED TO COUP CONFIRMED

[1](#)2. (C) Post has concluded that the death of Elvin Jacobo Perdomo Euceda, who died in the Lomas del Carmen neighborhood of San Pedro Sula on September 22, was related to the current political crisis caused by the June 28 coup d'etat (reftel E). On September 24, the Honduran National Police told an Embassy employee that the death of Perdomo occurred after police tried to carry out an arrest warrant for a robbery (reftel D). However, on October 7, Honduran National Police gave Embassy employee a copy of the official report by the National Criminal Investigative Police (DNIC) to the Ministry of Security's Inspector General regarding Perdomo's death. The report does not mention an arrest warrant for robbery or that Perdomo resisted arrest, but only that Perdomo was shot by police after disobeying an order to stop because Perdomo was outside during the September 22 day-long curfew. Javier Acevedo of the Center for Investigation and Promotion of Human Rights (CIPRODEH) told Poloff on October 6 that an

eye-witness said Perdomo allegedly yelled "coup mongers" at the police before the incident occurred.

14. (C) Police contacts told Embassy employee on October 8 that Perdomo exhibited aggressive behavior and resisted arrest, however this is not included in the internal police report. There is no indication that he was carrying a weapon and an arrest warrant has been issued for Danis Omar Montoya Murillo, the police officer who shot Perdomo. Murillo is currently at large.

15. (C) Post continues to follow closely the investigation into the death of Wendy Elizabeth Avila on September 26 in Tegucigalpa (reftel C). Human rights groups and pro-Zelaya supporters claimed that her death was caused by complications from exposure to tear gas during a demonstration on September 22 near the Brazilian Embassy. (Note: President Jose Manuel "Mel" Zelaya has been inside the Brazilian Embassy since his September 21 return to Honduras.) Honduran National Police gave Embassy employee on October 7 a copy of Avila's medical history file. Initially, police told Embosffs that an autopsy would be done to determine the cause of death, however the file shows that no autopsy was conducted because the physician determined the H1N1 flu to be the cause of death.

DECREE STILL NOT LIFTED

16. (SBU) An employee of the Honduran Federal Register, the "Gaceta," told Poloff on October 9 that it had not yet received any text from the de facto regime reversing the September 26 decree that severely limited civil liberties

TEGUCIGALP 00001050 002 OF 003

(reftel B). The de facto regime announced on October 5 that the decree would be abrogated, but this must be published in the "Gaceta" to be legally valid. The de facto regime continued to apply the executive decree, for example on October 7 the decree was used as a basis to break up with tear gas a demonstration of approximately 200 pro-Zelaya demonstrators in front of the Embassy because they lacked prior authorization from the security forces. RSO reported that demonstrators picked up rocks to throw at police, but only after the initial tear gas was released.

17. (SBU) The Honduran press reported that a local hospital treated two demonstrators and that one sustained injuries from a rubber bullet and another from exposure to tear gas. An Embassy employee reported seeing two unarmed pro-Zelaya demonstrators hiding near the USAID building fence, located across the street from the Chancery, and police threatening them with their batons and hitting one protestor with a baton.

18. (SBU) Special Prosecutor for Human Rights, Sandra Ponce, made an official request to the head of CONATEL, Miguel Angel Rodas, to reinstate the licenses of pro-Zelaya radio station Radio Globo and television station Channel 36. Ponce argued that executive decree 016-2009, used as the legal basis for the closures, does not suspend articles 73 and 74 of the constitution, which guarantee the right of press freedom and specifically prohibit the confiscation of transmission equipment (reftel F). As of October 9, Radio Globo and Channel 36 remained off the air.

19. (C) According to the press, Rodas said on October 6 that the decree that ordered the closure of Channel 36 and Radio Globo only temporarily suspended their licenses. The CONATEL order does actually say "suspended," and not "cancelled." Esdras Lopez, the owner of pro-Zelaya Channel 36, told Poloff on October 6 that while he had been granted access to the Channel 36 building, the de facto regime has not returned any of the equipment seized by the police and military on September 28. The station is unable to operate without that equipment. Lopez was skeptical that the de facto regime

would actually rescind the decree in the Gaceta.

INDIGENOUS GROUPS AND THE COUP

¶10. (SBU) A group of 12 members of the Lenca indigenous group took refuge in the Guatemalan Embassy in Tegucigalpa on October 6. The human rights officer at the Guatemalan Embassy confirmed to Poloff on October 7 that the group was applying for political asylum alleging that they received threats since the June 28 coup d'etat. On October 8, "El Herald" newspaper reported that the request for asylum had been denied. However, the human rights officer at the Embassy of Guatemala told Poloff on October 9 that the application for asylum by the indigenous group is still pending.

¶11. (C) Post continues to investigate closely the death of indigenous group leader Mateo Antonio Leiva on October 2 in the Santa Barbara department (reftel A). Leiva was an active member of the anti-coup movement and leader of the National Organization of Indigenous Lenca of Honduras (ONILH). National Investigative Police told Embassy employee on October 7 they believe the killing of Leiva was unrelated to the political crisis because he was killed while walking with his wife in a remote cornfield and there was no known political activity nearby. The Committee of Relatives of Disappeared Detainees in Honduras (COFADEH) alleged the killing was carried out by hired perpetrators since no property was missing from the victim and, therefore, it did not appear to be a robbery. However, there is no evidence to connect Leiva's death to the political crisis caused by the coup d'etat.

¶12. (C) Honduran indigenous Miskito leader Triminio Wicho informed MILGROUP Commander on September 30 that the indigenous Miskito community is "one hundred percent" in support of President Zelaya, primarily because they saw Zelaya's initiative to hold a constituent assembly as an opportunity for indigenous rights. Both Wicho and Gracias a Dios Department Governor Delton Allen explained that the constitution does not guarantee land rights for indigenous peoples in the remote La Mosquitia area of the Gracias a Dios

TEGUCIGALP 00001050 003 OF 003

Department. They said they seek such rights because the current "corrupt" political leaders continue to buy their land "illegally." Both Miskito leaders noted a marked increase in narco-trafficking in the Gracias a Dios Department since the 28 June coup d'etat. They also mentioned that the coup has expanded the rift between the Miskito people and the Honduran military primarily because the military supports the de facto regime. The Miskito leaders urged the continuation or implementation of USG assistance projects in their area, which were planned, but had not started prior to the coup.

¶13. (C) Comment: While most curfew infractions have not ended in violence, the case of Euceda indicates the protection of human rights in Honduras has not improved and will not begin to improve until the de facto regime formally rescinds the decree greatly limiting civil liberties. There is growing suspicion among many Hondurans that the de facto regime has no plans to formally repeal the decree, especially while OAS-sponsored negotiations that started on October 8 are ongoing.

LLORENS